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TAGS: [EUN](#) [EZ](#) [EG](#) [PGOV](#) [PREL](#) [PTER](#)
SUBJECT: CZECH EU PRESIDENCY: COMMENTS ON GUANTANAMO

REF: A. LISBON 94
[1](#)B. DUBLIN 60
[1](#)C. PRAGUE 45
[1](#)D. PRAGUE 27
[1](#)E. 08 PRAGUE 689
[1](#)F. 07 PRAGUE 363

Classified By: Acting DCM Stuart Hatcher for reasons 1.4 (b) and (d).

[1](#)1. (SBU) Summary: On February 12 S/WCI Ambassador Clint Williamson met with Czech Minister of Interior Ivan Langer, MFA Political Director Martin Povejsil and MFA Common Foreign and Security Policy Department Director (European Correspondent) Vaclav Balek. They discussed Guantanamo detainees and Czech EU Presidency plans to advance the issue within the EU in the near term. Czech officials made clear that their government will not agree to take detainees. However, they were committed to achieving an EU framework that would allow member states to move forward on resettlements, if they were interested in doing so. They indicated that key factors for advancing the issue within the EU were a willingness by the U.S. to accept detainees and resolution of concerns relating to the free movement of resettled detainees among Schengen zone countries. End Summary.

MFA Outlines Key Elements of EU Approach to Guantanamo Detainees

[1](#)2. (SBU) Czech MFA Political Director Martin Povejsil thanked Ambassador Williamson for providing basic details about the current numbers of detainees and the USG's approach and timeline to implement President Obama's Executive Order to close Guantanamo. In response, Povejsil noted that there are three key elements of the EU perspective.

[1](#)3. (C) USG has Primary Responsibility: Povejsil noted the EU starts from the premise that addressing Guantanamo detainees is primarily the responsibility of the United States. Povejsil made clear that there will be low receptivity from EU member states to USG requests for resettlement abroad if the U.S. does not take detainees as well. Ambassador Williamson commented that the USG will almost certainly have to take on the highest risk detainees for years to come as these individuals would likely be prosecuted and incarcerated. Although the number of cases in this category is unclear, it could be anywhere from 50-100. Povejsil noted, however, that prosecutions and prison sentences are not resettlements. He said that this would be far more challenging for European nations to handle, particularly in the Schengen zone. These 25 member governments permit document-free movement of their citizens, which de facto eliminates national borders. Interior Minister Langer succinctly framed the problem as, "a decision by one Schengen government to accept a detainee is effectively a

decision by all, given the ability to travel within the zone without documentation." This raises legitimate security concerns even for those countries not accepting detainees themselves.

14. (C) Member State Competence with EU Umbrella: Second, Povejsil commented that the decision of whether or not to accept detainees will most likely be left to EU member state competence, as referenced in the EU Foreign Ministerial (GAERC) January 25-26. Povejsil noted that this issue will now be discussed informally over lunch at the EU Justice and Home Affairs (JHA) Ministerial on February 26, since there are Schengen and Dublin Agreement considerations that need to be addressed. He expects, based on these discussions, that the EU will then have to integrate these political and security considerations into a common EU framework. He characterized this "EU umbrella" framework as simply a comfortable EU environment that would allow member states to act if they decide to do so.

15. (SBU) EU Assistance and Options: Third, Both Povejsil and MFA Common Foreign and Security Policy Department Director Vaclav Balek noted that at the direction of the EU Political and Security Council (PSC), Council Secretariat EU Terrorism Coordinator Gilles De Kerchove has been putting together a paper on this topic likely to be presented next week. They both suggested that we should continue to work closely with De Kerchove and commented favorably on Williamson's intention to meet De Kerchove next week in Brussels. In response to Balek's query as to what the USG might give to the EU for taking detainees, Williamson noted that this was not a question of quid pro quo, although the USG would be

PRAGUE 00000091 002 OF 003

appreciative of EU member states that were helpful with this. Povejsil also noted the EU is exploring with the European Commission what type of assistance it might provide to third countries and/or member states that decide to take detainees.

On this third point, there was a reference to possible rule of law assistance to Yemen, since many of the current detainees come from Yemen, as one idea under consideration.

EU Decision-Making Timeline

16. (SBU) Povejsil noted that following the January 25-26 GAERC, Guantanamo will now be discussed at the JHA Ministerial on February 26. He then anticipates that COREPER will have to combine and synthesize this into an overarching umbrella framework, which would then move back to the EU FM's for their blessing in mid-March (Note: There is a GAERC on March 16-17, an informal Gymnich on March 27-28 and an as yet unscheduled U.S.-EU Ministerial which traditionally occurs on the margins of the NATO Foreign Ministerial on March 5. As well, Czech Interior Minister Ivan Langer and European Commissioner Jacques Barrot also plan to travel together to the U.S. to discuss Guantanamo on March 16. End Note.) All of the Czech interlocutors agreed that bilateral discussions between the U.S. and interested states should continue in parallel with the EU process, so as to expedite resettlements once an EU framework is agreed. Williamson also explained the internal USG process of reviewing the case files of every detainee and the need for a particular review to be completed before any one individual could be transferred, noting that this process would be ongoing as bilateral and EU negotiations progressed.

Czechs Emphasize the Need to Share Data with all EU MS

17. (SBU) All three Czech officials emphasized that the USG should share information with all EU member states, regardless of whether a particular country plans to accept detainees. Minister Langer pointed out that all European countries will want to know as much as possible about the detainees under consideration for resettlement since within

the Schengen zone, which encompasses 25 European countries currently, there are no barriers to the free movement of people between these countries. Both Langer and Balek noted that several EU member states have expressed concern that consultations and briefings have been done in the last few months with only a few member states, rather than all. Speaking from the Czech perspective, Langer noted that if detainees go to Hungary or Germany, for example, his government should know at least a basic minimum of information about who is going where and who exactly these people are. Langer stated that it is the absence of information currently which causes fear and that by sharing information with all, it would be less likely that certain EU member states would attempt to block efforts by other member states inclined to accept detainees. On a similar note, Povejsil emphasized that this lack of recent consultation has made some EU member states nervous of what we might ask of them in the future. Williamson offered to provide more detailed information to interested states and to facilitate personal interviews of detainees identified by particular governments for potential resettlement.

Bilaterally - Czechs Continue to Demure

18. (C) While Czech officials did not give an outright "no," it remained clear that the Czech government has no intention to take detainees. This is consistent with previous conversations (reftels C-F) and public statements by PM Mirek Topolánek, DPM Alexandr Vondra, and FM Karel Schwarzenberg. Povejsil noted that there are impediments under Czech law to accepting detainees from Guantanamo and that these could only be overcome by concluding a treaty-like bilateral agreement, ratified by parliament. He said that there will be similar impediments in other countries as well, thus the desirability of an EU umbrella which would create a legal basis for resettlements. As to the issue of resettlements in the Czech Republic, Interior Minister Langer indicated that, in his dual role as Czech Interior Minister and chair of the EU Justice and Home Affairs (JHA) Council, he "could not win both battles," and that he had to choose between either getting an EU agreement and framework for accepting detainees, or pushing for the Czech Republic to accept detainees directly.

PRAGUE 00000091 003 OF 003

US-Czech Cooperation Moving Forward

19. (C) Ambassador Williamson emphasized in all of the meetings that resolving Guantanamo was an issue of the utmost priority for the President and Secretary, and that the USG hoped that substantial progress toward closure would be made during the Czech EU Presidency. As in his other meetings in European capitals, Ambassador Williamson provided the same information related to the detainees. He expressed appreciation to the Czechs for the leadership role that they had exercised thus far and for their willingness to continue advancing EU cooperation on Guantanamo. Ambassador Williamson indicated his willingness and that of the USG to work closely with them as the EU process progresses.

Ambassador Williamson has cleared this cable.
Thompson-Jones